

ORDINANCE NO. 2824

AN ORDINANCE REPEALING CHAPTER 22, TITLE 4, OF THE CITY CODE OF IDAHO FALLS, IDAHO; REGARDING BURGLARY AND ROBBERY ALARMS; ADOPTING A NEW CHAPTER ENTITLED "FALSE SECURITY ALARMS"; PRESERVING PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

Section 1. Repeal of Chapter 22, Title 4, Idaho Falls City Code. Chapter 22, Title 4, of the Idaho Falls City Code is hereby repealed.

Section 2. Adoption of New Chapter 22, Title 4, Idaho Falls City Code. A new Chapter 22, Title 4, of the Idaho Falls City Code is hereby adopted in the form set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

Section 3. Preservation of Prior Ordinance. The sections of the City Code amended or repealed by this Ordinance shall be preserved to the extent necessary to allow the arrest, prosecution and punishment of any person who violates such provisions prior to the effective date hereof.

Section 4. Severability. The provisions of this Ordinance are severable. In the event any provision shall be determined to be void or unenforceable for any reason, such determination shall not affect the enforceability of the remaining provisions.

Section 5. Effective Date. This Ordinance shall be effective upon its passage, execution and publication in the manner provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 24th day of September, 2009.

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

STATE OF IDAHO)
 : ss.
County of Bonneville)

I, ROSEMARIE ANDERSON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled: "AN ORDINANCE REPEALING CHAPTER 22, TITLE 4, OF THE CITY CODE OF IDAHO FALLS, IDAHO; REGARDING BURGLARY AND ROBBERY ALARMS; ADOPTING A NEW CHAPTER ENTITLED "FALSE SECURITY ALARMS"; PRESERVING PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE."

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

EXHIBIT 'A'

CHAPTER 22

BURGLARY AND ROBBERY ALARMS

SECTION:

- 4-22-1: Purpose
- 4-22-2: Definitions
- 4-22-3: Duties of Alarm Installation and Monitoring
- 4-22-4: Responsibilities of Alarm Users
- 4-22-5: Maintaining a Public Nuisance Alarm
- 4-22-6: Penalty
- 4-22-7: Prohibited Alarm Systems
- 4-22-8: Violations

4-22-1: **PURPOSE:** The purpose of this Chapter is to reduce the number of false security alarms thereby enhancing police response time for critical calls for service and reducing the costs to the City arising from the increasing number of false security alarms. Further, the intent of this Chapter is to encourage alarm businesses and alarm users to maintain the operational viability of security alarm systems and to hold owners of alarm systems accountable for the costs associated with responding to false alarms.

4-22-2: **DEFINITIONS:** For the purposes of this Chapter, the following terms, phrases, and words, and derivations thereof, shall have the meanings given in this section:

ALARM INSTALLATION COMPANY: A person who engages in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in businesses or residences located within the City.

ALARM MONITORING BUSINESS: Any person who engages in the business of monitoring alarm systems located within the City and summoning police response to activations thereof. This term includes both businesses that are engaged in alarm monitoring for profit and businesses that monitor only their own alarm systems.

ALARM OFFICER: The Chief of the Idaho Falls Police Department or his or her designee.

ALARM SYSTEM: Any mechanical, electrical or other device located within the City and which is designed or used for the detection of a trespass, burglary, or robbery within a building, structure, or facility, and which emits an audible sound or which transmits a signal or message which is designed to elicit a response from the Police Department. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and

proprietor alarms. An alarm system includes all the necessary equipment designed and installed for the detection of a trespass, burglary, robbery or other hazard in a single building, structure, or facility, and for alerting public safety personnel to the commission of an unlawful act within a building, structure or facility.

ALARM USER: Any person who owns or installs and renders operable any alarm system or who contracts for the servicing or maintenance of an alarm system within any building or structure located within the City.

AUDIBLE ALARM: An alarm system which when activated generates sound or signal that is audible from the immediate vicinity of the premises where the alarm system is located.

AUTOMATIC DIALING DEVICE: An alarm system which automatically sends over a telephone line, by direct connection, internet, or otherwise, a pre-recorded voice message or coded signal indicating the existence of an emergency situation.

CALENDAR YEAR: The period between and including January 1 and December 31 of any given year.

CITY: The City of Idaho Falls, Idaho.

EMERGENCY: Any condition which requires or is expected to require a response of police or public safety personnel.

ENHANCED CALL VERIFICATION: An independent method whereby an alarm monitoring company attempts to determine that a signal from an automatic alarm system reflects a need for immediate police assistance or investigation. This verification process will be conducted by the alarm system monitoring personnel and shall consist of making two phone calls to the responsible party or parties and shall not take more than five minutes from the time the alarm signal has been accepted by the alarm system monitoring company. At least one of the two phone calls must be made to a party off the premises upon which the alarm system is installed.

FALSE ALARM: An alarm system signal, message, transmittal, or communication which results in a response by public safety personnel and for which no emergency situation exists or existed as determined by the responding police personnel. False alarms shall not include alarms caused by natural occurrences such as hurricanes, tornadoes, earthquakes, or other extraordinary circumstances determined by the alarm officer to be clearly beyond the control of the alarm user.

ONE PLUS DURESS ALARM: A security alarm system which permits the manual activation of an alarm signal by entering on a keypad a code that either adds the value of 1 to the last digit of a normal arm/disarm code (e.g., the normal arm/disarm code "1234" if entered as "1235" automatically activates the duress alarm feature) or that involves entering any incorrect final digit to a normal arm/disarm code.

PERSON: Any individual, partnership, association, corporation, limited liability company, trust, or organization of any kind, including a government entity or political subdivision thereof.

PUBLIC NUISANCE ALARM SYSTEM: Any alarm system which generates or transmits more than two (2) False Alarms within a calendar year.

SIA CONTROL PANEL STANDARD CP-01: The ANSI-American National Standard Institute approved Security Industrial Association – SIA CP-01 Control Panel Standard, as may be updated from time to time.

4-22-3: DUTIES OF ALARM INSTALLATION AND MONITORING:

(A) No Alarm Installation Company or Alarm Monitoring Business shall:

1. Render any alarm system operational or transfer the control or operation thereof to the alarm system owner without first delivering to the customer written instructions regarding the proper use and operation of such alarm system including instructions regarding the procedure to deactivate the alarm system and reasonable measures that may be undertaken in order to avoid False Alarms.

2. Fail to keep within the principal offices of the business or company a written copy of the instructions as required by the preceding section, for a period of at least three (3) years from the date of their issuance. Such instructions shall be dated and signed by the customer prior to the delivery thereof to the customer.

3. Render an alarm system operational or transfer the ownership or control thereof to a customer without delivering to the customer a Customer Alarm Prevention Checklist in such form as may be approved by the Alarm Officer. Such checklist shall be current as of the date it is delivered to the customer and shall be signed and dated by the customer.

4. Fail to keep at the principal offices of the business or company a copy of the signed checklist required by the preceding Section, for a period of at least three (3) years.

5. To program an alarm system in a manner which is capable of sending One Plus Duress Alarms.

6. To maintain, inspect or modify any alarm system capable of sending a One Plus Duress Alarm, without first rendering the One Plus Duress capability inoperable.

7. To install any alarm system which may be activated by a single action, non-recessed button.

8. To install any alarm system that is not compliant with SIA Control Panel Standard CP-01 or to install any alarm system which fails to include a designation clearly visible on the control panel thereof, indicating that such control panel has been tested and found compliant with such standard by the Underwriters Laboratory (UL) or other nationally recognized testing laboratory.

9. To install any Automatic Dialing Device within an alarm system.

10. To notify or request a police dispatch in response to a security alarm signal without making reasonable efforts to contact the owner of the premises where the alarm system is located or another person designated by such owner to receive such telephone calls.

11. To fail to silence an alarm signal within fifteen (15) minutes after the receipt of notification that the alarm system has been triggered or activated in a residential structure or within thirty (30) minutes after receipt of notification that an alarm system within a commercial or industrial structure has been activated.

4-22-4: RESPONSIBILITIES OF ALARM USERS:

(A) No Alarm User shall:

1. Use, operate, maintain or install an alarm system unless the alarm user has within his or her employ or retention a person who has been trained in the appropriate procedures to deactivate an alarm system signal and who is capable of deactivating an alarm system signal within fifteen (15) minutes after receipt of notification that the alarm system signal has been triggered.

2. To allow any alarm system signal to continue for a period of more than fifteen (15) minutes after notification of the activation of the system if protecting a residential structure or within thirty (30) minutes after such activation if the alarm system is protecting a commercial or industrial structure.

(3) To operate a Public Nuisance Alarm without having a permit therefore issued in accordance with the provisions of this Chapter.

4-22-5: MAINTAINING A PUBLIC NUISANCE ALARM:

(A) No person shall maintain, operate, use or attempt to use a Public Nuisance Alarm System without having a valid Public Nuisance Alarm System Permit.

(B) Public Nuisance Alarm System Permits may be obtained from the office of the City Clerk upon payment of the following permit fees:

3 rd false alarm within the calendar year	\$100.00
4 th false alarm within the calendar year	\$200.00
5 th false alarm within the calendar year	\$300.00
6 th false alarm within the calendar year	\$400.00
7 th and subsequent false alarms within the calendar year	\$500.00

Each Public Nuisance Alarm System Permit shall expire on December 31st of the calendar year in which it is issued. Each Public Nuisance Alarm System Permit shall automatically become void upon the triggering of an additional False Alarm and shall remain void until the additional permit fee is paid to the City Clerk.

(C) Whenever any alarm system is deemed a Public Nuisance Alarm System, the Alarm Officer, or his or her designee shall provide a notice to the owner or person in control of the premises. Such notice shall advise the owner or operator of such alarm system that the alarm system has been determined to be a Public Nuisance and that any operation thereof without obtaining a Public Nuisance Alarm system Permit pursuant to this Chapter will constitute a violation of this Chapter. Such notice shall be deemed given upon posting a written notice of such determination upon the premises where the alarm system is located or deposit thereof in the U. S. Mail, Certified Mail, Return Receipt Requested, Postage Pre-Paid and addressed to the owner or operator of such alarm system, if known, or addressed to the owner at the address shown on the records of the Bonneville County Assessor's Office for the premises where the alarm system is located.

4-22-6: PROHIBITED ALARM SYSTEMS:

(A) No person shall use or operate an automatic dialing device or any device programmed to initiate and deliver a message or signal to any telephone number belonging to the City of Idaho Falls or to any law enforcement dispatch services.

(B) No system shall have an entry or exit delay of less than 45 seconds.

4-22-7: VIOLATIONS:

(A) Any person who violates any provision of this Chapter shall be guilty of a misdemeanor.